

1 AN ACT relating to elections.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 117.125 is amended to read as follows:

4 **(1)** No voting system or voting equipment shall be approved for use after January 1,
5 2024, by the State Board of Elections, either upon initial examination or
6 reexamination, and no voting equipment or voting system shall be purchased after
7 July 14, 2022, unless the system and equipment has been certified under KRS
8 117.379. ~~and is so constructed that it shall;~~

9 **(2)** ***In addition to the requirements of subsection (1) of this section, all voting systems***
10 ***shall:***

11 **(a)**~~(1)~~ Ensure secrecy to the voter in the act of voting so that no person can see
12 or know for whom any other voter has voted or is voting, except for those
13 voters requiring assistance under KRS 117.255;

14 **(b)**~~(2)~~ Permit votes to be cast for any candidate entitled to have his or her name
15 printed upon the ballots at any primary, regular election, or special election,
16 and for or against any public question entitled to be placed upon the ballots;

17 **(c)**~~(3)~~ Except at a primary or at a special election held under KRS
18 67C.103(12), permit a voter to vote for all the candidates of one (1) party or
19 for one (1) or more candidates of every party having candidates entitled to be
20 voted for, or for one (1) or more independent, political organization, or
21 political group candidates;

22 **(d)**~~(4)~~ Permit a voter to vote for as many persons for an office as the voter is
23 lawfully entitled to vote for, ~~and no more~~;

24 ~~[(5) Prevent a voter from voting for more persons for any office than the voter is entitled~~
25 ~~to vote for, and from voting for the same person, or for or against the same~~
26 ~~question, more than once;]~~

27 **(e)**~~(6)~~ Permit a voter to vote for or against any question the voter may have the

- 1 right to vote on, but no other;
- 2 ~~(f)~~~~(7)~~ Provide for a nonpartisan ballot;
- 3 ~~(g)~~~~(8)~~ Be capable of being adjusted for use in a primary so that a voter may not
4 vote for any person except those seeking nomination as candidates of the
5 voter's party, as candidates for a nonpartisan office, or as candidates for an
6 office of the Court of Justice;
- 7 ~~(h)~~~~(9)~~ Permit each voter to vote for all the candidates for presidential electors
8 of any party by one (1) operation;
- 9 ~~(i)~~~~(10)~~ Permit each voter to vote, in any regular or special election, for any
10 person for whom the voter desires to vote whose name does not appear upon
11 the ballot by providing a method of write-in voting;
- 12 ~~(j)~~~~(11)~~ Be safe, efficient, and accurate in the conduct of elections, and correctly
13 register and accurately count all votes cast for each person, and for or against
14 each public question;
- 15 ~~(k)~~ 1.~~(12)~~ ~~(a)~~ Provide each voter an opportunity to verify votes recorded
16 on the permanent paper ballot, either visually or using assistive voting
17 technology~~, by producing a voter-verified paper audit trail~~;
- 18 2. ~~(b)~~ Provide each voter an opportunity to change votes or correct any
19 error before the voter's ballot is cast and counted; and
- 20 3. ~~(c)~~ Provide a voter who spoils his or her ballot another ballot as
21 provided under this chapter;
- 22 ~~(l)~~~~(13)~~ Use an individual, discrete, permanent, paper ballot cast by the voter for
23 tabulating purposes;
- 24 ~~(m)~~~~(14)~~ Preserve the paper ballot as the~~an~~ official record available for use in
25 certification, any audit, or recount;
- 26 ~~(n)~~~~(15)~~ Be suitably designed for the purpose used, constructed of a durable
27 material, and safely transportable;

1 (o)~~[(16)]~~ Be capable of determining whether the voting equipment has been
2 unlocked and operated or adjusted in any manner after once being locked;

3 ~~[(17) Have a public counter with a register which is visible from the outside of the~~
4 ~~counter or device that will show at all times during an election how many persons~~
5 ~~have voted;]~~

6 ~~[(18) Have a protective cumulative counter indicating the number of votes cast for each~~
7 ~~person, and the votes cast for or against each public question which cannot be seen,~~
8 ~~reset, or tampered with without unlocking a covering device by a key or other~~
9 ~~security apparatus that cannot unlock any other part of the equipment, and which~~
10 ~~prevents changes to the cumulative counter once the system has been put into~~
11 ~~operation on the day of any election;]~~

12 (p)~~[(19)]~~ Provide for the tabulating of votes at the precinct as required under KRS
13 117.275;

14 (q)~~[(20)]~~ Provide locks or other security apparatus by which the operation of the
15 voting equipment may be locked before the time for opening the polls and
16 after the time for closing the polls;

17 (r)~~[(21)]~~ Permit a voter to readily learn the method of operating it, to
18 expeditiously cast a vote for all candidates and on all questions of the voter's
19 choice, and when operated properly, register and record correctly and
20 accurately every vote cast;

21 (s)~~[(22)]~~ Bear a number or other unique designation that will distinguish it from
22 any other voting equipment or voting system;

23 ~~[(23) Produce a real time audit log record for the voting system, and produce a paper~~
24 ~~record with a manual audit capacity which shall be available as an official record~~
25 ~~for any recount conducted related to any primary or election in which the system is~~
26 ~~used;]~~

27 (t)~~[(24)]~~ Be accessible for individuals with impairments, including nonvisual

1 accessibility for the blind or visually impaired, in a manner that provides the
2 same opportunity for access and participation, including privacy and
3 independence, as for other voters;

4 ~~(u)~~~~(25)~~ Prohibit voting equipment that tabulates or aggregates votes used in
5 official results from connecting to any network, including the internet, or
6 communicating with any device external to the voting system;

7 ~~(v)~~~~(26)~~ Meet or exceed the standards for a voting system established by the
8 Election Assistance Commission, as amended from time to time, and those
9 approved under KRS 117.379; and

10 ~~(w)~~~~(27)~~ Meet such other requirements as may be established by the State Board
11 of Elections in administrative regulations promulgated under KRS Chapter
12 13A to reflect changes in technology to ensure the integrity and security of
13 voting systems.

14 **(3) In addition to the requirements of subsections (1) and (2) of this section, voting**
15 **systems using electronic equipment shall:**

16 **(a) Prevent a voter from voting for more persons for any office than the voter is**
17 **entitled to vote for, and from voting for the same person, or for or against**
18 **the same question, more than once;**

19 **(b) Have a public counter with a register which is visible from the outside of the**
20 **counter or device that will show at all times during an election how many**
21 **persons have voted;**

22 **(c) Have a protective cumulative counter indicating the number of votes cast**
23 **for each person, and the votes cast for or against each public question**
24 **which cannot be seen, reset, or tampered with without unlocking a covering**
25 **device by a key or other security apparatus that cannot unlock any other**
26 **part of the equipment, and which prevents changes to the cumulative**
27 **counter once the system has been put into operation on the day of any**

1 election; and

2 (d) Produce a real-time audit log record for any electronic component of the
 3 voting system.

4 (4) In addition to the requirements of subsections (1) and (2) of this section, voting
 5 systems using paper ballots shall include a notification to the voter of the effect of
 6 casting multiple votes for a single office.

7 ➔Section 2. KRS 67C.103 is amended to read as follows:

8 (1) The legislative authority of a consolidated local government, except as otherwise
 9 specified in KRS 67C.101 to 67C.137, shall be vested in a consolidated local
 10 government council. The members of the council shall be nominated and elected by
 11 district. There shall be only one (1) council member elected from each council
 12 district.

13 (2) There shall be twenty-six (26) council districts. The initial boundaries, population,
 14 and numerical designation of the council districts shall be as specified by KRS
 15 67C.135. The population of the council districts shall be as nearly equal as is
 16 reasonably possible. Any changes made to alter the boundaries of council districts
 17 shall be based on the population of the county as determined by the most recent
 18 United States Census or official census estimates as provided by the United States
 19 Bureau of the Census.

20 (3) Following the official publication of each decennial census by the United States
 21 Bureau of the Census for the area embraced by a consolidated local government, the
 22 council shall adopt an ordinance, if necessary, to redistrict the council districts. A
 23 redistricting ordinance shall provide for the distribution of population among the
 24 council districts as nearly equal as is reasonably possible. Every council district
 25 shall be compact and contiguous and shall respect existing neighborhood,
 26 community, and city boundaries whenever possible.

27 (4) The consolidated local government council members shall serve for a term of four

- 1 (4) years beginning on the first Monday in January following their election, except
2 that the initial election of council members shall be in a manner as to provide for
3 staggered terms for council members. At the initial election of the members of a
4 consolidated local government council, those representing even-numbered districts
5 shall be elected for a two (2) year term. Those representing odd-numbered districts
6 shall be elected for a four (4) year term. Thereafter, all council members shall be
7 elected for four (4) year terms.
- 8 (5) The members of a consolidated local government council shall be nominated and
9 elected from the district in which they reside in partisan elections. After the initial
10 terms of office of the first elected council members, council members shall be
11 elected in the same election years as other local government officials as regulated
12 by the regular election laws of the Commonwealth and as provided in subsection
13 (4) of this section.
- 14 (6) No person shall be eligible to serve as a member of a consolidated local government
15 council unless he or she is at least eighteen (18) years old, a qualified voter, and a
16 resident within the territory of the consolidated local government and the district
17 that he or she seeks to represent for at least one (1) year immediately prior to the
18 person's election. A council member shall continue to reside within the district from
19 which he or she was elected throughout the term of office.
- 20 (7) The presiding officer of a consolidated local government council shall be a
21 president who shall be chosen annually by a majority vote of the entire council from
22 among its members at the first meeting of the council in January. The council
23 president has the right to introduce any resolution or recommend any ordinance and
24 shall be entitled to vote on all matters.
- 25 (8) The consolidated local government council shall upon notice meet within seven (7)
26 days after its members have taken office, and shall thereafter hold at least one (1)
27 regular meeting per month. No newspaper notice shall be required for regular or

1 special meetings of the consolidated local government council. However, notice of
2 all meetings of the council and all meetings of committees of the council shall be
3 held pursuant to KRS 61.805 to 61.850.

4 (9) A majority of the members of the consolidated local government council shall
5 constitute a quorum, but a smaller number may adjourn from day to day. The
6 consolidated local government council may enforce the attendance of members by
7 rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the
8 entire membership of the council may call a special meeting at any time. Meetings
9 shall be held in such places in the county as are provided by ordinance, and the
10 place of meetings shall not be changed except by an ordinance for which two-thirds
11 (2/3) of the members of the consolidated local government council have voted.

12 (10) The council shall determine its own rules and order of business, and keep and
13 provide a public record of its proceedings. The council shall provide for the
14 publication of all ordinances in a composite code of ordinances.

15 (11) Council ordinances that prescribe penalties for their violation shall be enforced
16 through the entire area of the consolidated local government unless:

17 (a) Otherwise provided by statute; or

18 (b) The legislative body of any city within the consolidated local government area
19 has adopted an ordinance pertaining to the same subject matter that is the
20 same as or more stringent than the standards set forth in the consolidated local
21 government's ordinance.

22 (12) (a) In the case of a vacancy on the consolidated local government council by
23 reason of death, resignation, or removal, an election shall be held to fill the
24 unexpired term, unless paragraph (c) of this subsection applies. The county
25 clerk shall be responsible for administering the election. The election shall
26 proceed as follows:

27 1. The presiding officer of the council shall declare the position vacant and

- 1 issue a writ of election within twenty-four (24) hours of the occurrence
2 of the vacancy;
- 3 2. The writ shall be signed by the presiding officer, shall designate the day
4 for holding the election, and shall be delivered to the sheriff;
- 5 3. Candidates for the unexpired term shall file petitions of nomination with
6 the county clerk not later than ten (10) days following the declaration of
7 vacancy. The election shall be held sixty (60) days after the declaration
8 of vacancy on the next Tuesday which is not a federal holiday under 5
9 U.S.C. sec. 6103(a), unless paragraph (b) of this subsection applies. The
10 petition for nomination shall contain the signatures of two (2) registered
11 voters of the council district and shall meet the requirements of KRS
12 118.315(2);
- 13 4. If the candidate is a registered member of a political party, as defined by
14 KRS 118.551, the candidate shall be designated as such on the election
15 ballot. If the candidate is not a registered member of a political party, as
16 defined by KRS 118.551, the candidate shall be designated as
17 "independent" on the election ballot, or may choose to be designated as
18 a member of another political organization on the ballot, if such political
19 organization is indicated on the candidate's petition for nomination; and
- 20 5. The successful candidate elected to fill an unexpired term in the office
21 of consolidated local government council member shall take office
22 immediately upon certification of the election results and administration
23 of the oath of office.
- 24 (b) If the unexpired term will not end on the first Monday in January following
25 the next regular election, and if less than three (3) months intervene before
26 that regular election, the unexpired term shall be filled on the date set for the
27 regular election. Candidates for full terms shall be grouped together, and

1 candidates for unexpired terms shall be grouped together, under appropriate
2 headings, so that the voter may easily distinguish the candidates for full terms
3 from the candidates for unexpired terms.

4 (c) If the unexpired term will end on the first Monday in January following the
5 next regular election, and if less than three (3) months intervene before that
6 regular election, the presiding officer of the council shall appoint a qualified
7 person to fill the vacancy and serve the remainder of the term.

8 (d) Votes cast pursuant to KRS 117.125(2)(c)~~[(3)]~~ shall not be counted for, or
9 assigned to, any candidate in an election to fill a vacancy on the council, even
10 if that candidate is the only designee of a political party or organization
11 nominated in an election to fill a vacancy on the council.

12 (e) The order of the names on the ballot for the candidates shall be determined by
13 lot at a public drawing to be held in the office of the county clerk at 4 p.m.,
14 standard time, ten (10) days following the declaration of vacancy.

15 (13) All legislative powers of a consolidated local government are vested in the
16 consolidated local government council. The term "legislative power" is to be
17 construed broadly and shall include the power to:

18 (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by
19 a two-thirds (2/3) majority of the membership of the legislative council;

20 (b) Review the budgets of and appropriate money to the consolidated local
21 government;

22 (c) Adopt a budget ordinance;

23 (d) Levy taxes, subject to the limitations of the Constitution and the laws of the
24 Commonwealth of Kentucky;

25 (e) Establish standing and temporary committees; and

26 (f) Make independent audits and investigations concerning the affairs of the
27 consolidated local government and any board or commission that:

- 1 1. Is composed of members who are appointed by the mayor and approved
2 by the legislative council; or
- 3 2. Has a budget that is equal to or greater than one million dollars
4 (\$1,000,000.00), except that this subparagraph shall not apply to any fee
5 officer elected within the consolidated local government.
- 6 (14) (a) The consolidated local government council shall establish a Government
7 Oversight and Audit Committee. This committee shall be:
- 8 1. Composed of members from each of the two (2) largest political
9 caucuses in the legislative council;
- 10 2. Appointed by the chairs of their respective caucuses; and
- 11 3. Composed on the basis of the proportion of each of the two (2) caucuses'
12 total membership as compared to the total membership of the legislative
13 council. Any fractional proportions shall be rounded in the favor of the
14 smallest caucus' membership on the committee.
- 15 (b) The committee shall have the power to:
- 16 1. Compel testimony and the submission of work papers or documents;
- 17 2. Issue subpoenas to compel any officer, appointee, or former officer or
18 appointee to a board or commission described in subsection (13)(f) of
19 this section or any department or division of the consolidated local
20 government to appear before the committee and to compel the
21 submission to the committee of any work papers or documents pertinent
22 to an independent audit or investigation. Any subpoenas issued or
23 testimony compelled shall be subject to any relevant statutes concerning
24 privacy. Testimony subject to KRS 61.810 shall only be taken in
25 executive session. The right to privacy or the requirement that testimony
26 be taken in executive session may be waived by the person or entity
27 being subpoenaed or compelled to testify;

- 1 3. Petition the appropriate Circuit Court to compel obedience by
- 2 proceedings for contempt as in the case of disobedience of a subpoena
- 3 issued from the Circuit Court or a refusal to testify therein, if any officer
- 4 or appointee fails or refuses to testify or furnish the work papers or
- 5 documents subpoenaed;
- 6 4. Administer oaths to witnesses appearing before the committee when the
- 7 committee deems the administration of an oath necessary and advisable
- 8 as provided by law. This decision to administer oaths shall be taken by a
- 9 majority vote of the committee of the legislative council; and
- 10 5. Recommend the removal of any appointee to a board or commission
- 11 described in subsection (13)(f) of this section.
- 12 (c) The legislative council of the consolidated local government shall adopt by
- 13 resolution any process or procedures deemed necessary for the administration
- 14 of subpoenas and oaths.
- 15 (d) The legislative council of the consolidated local government may only act to
- 16 remove an appointee to a board or commission described in subsection (13)(f)
- 17 of this section upon the recommendation of the Government Oversight and
- 18 Audit Committee.
- 19 (e) The Government Oversight and Audit Committee shall have the power to
- 20 issue subpoenas or administer oaths. Except as provided in KRS 65.003(7),
- 21 the legislative council of the consolidated local government shall not delegate
- 22 those powers to any other entity or entities not a part of the legislative council
- 23 of the consolidated local government.
- 24 (15) The consolidated local government council shall be known as the legislative council
- 25 of/..... County Metro Government, which shall be a
- 26 combination of the names of the largest city in existence in the county on the date
- 27 of the adoption of the consolidated local government and the county.

1 ➔Section 3. KRS 117.155 is amended to read as follows:

2 The county clerk shall place all ballots required to be placed upon voting equipment in
3 such a manner as will most nearly conform to the plan of arrangement prescribed by the
4 Secretary of State under KRS 118.215. The county clerk shall then see that the counters
5 referred to in KRS 117.125 **(3)(b) and (c)**~~[(17) and (18)]~~ are set at zero, and shall lock the
6 operating device and mechanism and the devices protecting the counters and ballots,
7 which shall then be covered with a tamper-resistant seal. The county clerk shall then
8 enter in an appropriate book, opposite the number of each precinct the distinguishing
9 number of the voting equipment or the unique designation to be used in that precinct.

10 ➔Section 4. KRS 117.175 is amended to read as follows:

11 The county clerk shall, with the county attorney, prepare a sufficient number of
12 instruction cards containing instructions as to the proper method of voting by the use of
13 the voting equipment, **including a notification to the voter of the effect of casting**
14 **multiple votes for a single office on a paper ballot,** and instructions as to the proper
15 method of casting a write-in vote. For federal provisional ballots and supplemental paper
16 ballots, if approved as provided in KRS 118.215, the instruction cards shall indicate the
17 offices, candidates, and questions which will appear on the federal provisional or
18 supplemental paper ballots, the offices that will appear on the federal provisional or
19 supplemental ballot, the instructions for marking and depositing the federal provisional or
20 supplemental paper ballots, instructions for filling out the federal provisional or
21 supplemental ballot, and instructions on how to properly execute the voter affirmations.
22 The instruction cards shall be examined and approved by the county board of elections at
23 the time the voting equipment is examined and approved. The instruction cards shall be
24 delivered to each election clerk by the county clerk at the time that other election supplies
25 are delivered and the election clerk shall post the instruction card at the polling place.

26 ➔Section 5. KRS 117.205 is amended to read as follows:

27 Before the polls are open, and before permitting any person to vote on the day of the

1 election, the election officers shall examine the voting equipment to ascertain whether it
2 has been operated since the counters referred to in KRS 117.125 (3)(b) and (c)~~((17) and~~
3 ~~((18))~~ were set at zero, and to ascertain whether the ballots are arranged as previously
4 specified. If the voting equipment indicates that it has been operated or if the ballots are
5 not properly arranged, the officers shall not unlock the operating device or mechanism,
6 but shall immediately secure the attendance of the county clerk and one (1) member of
7 the county board of elections other than the county clerk, who shall reset the counters at
8 zero and relock the device covering the counters, or properly arrange the ballots, as the
9 case may be, in the presence of the election officers. If the attendance of members of the
10 board of elections cannot be obtained before the opening of the polls or within one (1)
11 hour thereafter, the election officers shall notify the county clerk of the foregoing facts
12 and obtain from the county clerk reserve voting equipment, and proceed to conduct the
13 election. Any reserve voting equipment shall have been certified for use at the election by
14 the county board of elections and prepared for use at the election by the election officers
15 in the precinct in the same manner as the original voting equipment was prepared for the
16 election. The voting equipment found to have been so operated shall be returned
17 immediately to the custody of the county clerk, whose duty it shall be to promptly repair
18 same so that it may be used as reserve voting equipment in the election if needed.

19 ➔Section 6. KRS 117.383 is amended to read as follows:

20 The State Board of Elections shall promulgate administrative regulations under KRS
21 Chapter 13A which shall maintain the maximum degree of correctness, impartiality, and
22 efficiency of the procedures of voting and shall provide methods to:

- 23 (1) Count, tabulate, and record votes;
- 24 (2) Place items on any ballot which shall, as closely as possible, follow the
25 requirements pertaining to ballots;
- 26 (3) Design the ballots to include a system to ensure an accurate record of all voting
27 activities;

- 1 (4) Instruct voters in the use of the voting system, including any ballot marking device;
- 2 (5) Provide for checking the accuracy of the voting system;
- 3 (6) Provide necessary supplies, including those necessary for a write-in vote, to ensure
4 voter privacy;
- 5 (7) As part of the official canvass, provide for a manual recount of randomly selected
6 precincts representing three percent (3%) to five percent (5%) of the total ballots
7 cast in each election;
- 8 (8) Provide for the conducting and review of an audit of any component of a voting
9 system or any voting equipment, and a review of any audit log;
- 10 (9) (a) Provide for the conducting and review of an election audit, including a risk-
11 limiting audit, and risk-limiting audit pilot program, all of which shall
12 establish the protocol by which ballots are checked, compared, and verified
13 with the results produced by vote tallying equipment to ensure accuracy.
- 14 (b) The pilot program shall, at a minimum, include individuals representing the
15 State Board of Elections, the Office of the Secretary of State, and no fewer
16 than five percent (5%) of Kentucky's counties.
- 17 (c) The risk-limiting audit and risk-limiting audit pilot program shall make the
18 results of its findings available to the public;
- 19 (10) Provide a method for maintaining sufficient documents, including ballots and
20 records, so that votes can be recounted;
- 21 (11) Ensure the county board of elections produces accurate precinct-by-precinct
22 summaries of tabulation sheets showing the results of each precinct during in-
23 person absentee voting, election day voting, and when a county is approved to use a
24 vote center;
- 25 (12) **Include a voter education program to notify a voter of the effect of casting**
26 **multiple votes for a single office on a paper ballot, as required by 52 U.S.C. sec.**
27 **21081;**

- 1 (13) Except as otherwise required in this chapter, all records and papers relating to
2 specified elections be retained for twenty-two (22) months, such documents and
3 records shall be maintained for thirty (30) days following an election; and
4 (14)~~(13)~~ Unless contrary to the Help America Vote Act of 2002, ensure that all federal
5 provisional voting shall be conducted in a manner as prescribed by KRS Chapters
6 116 to 120.